

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 12, 2010**

A. Roll Call by City Clerk

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, January 12, 2010, commencing at 7:01 a.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Topic(s)

B-1 Discussion of On-Street Parking Regulations for Motor Homes (CA)

City Manager King briefly introduced the subject matter of on-street parking regulations for motor homes.

City Attorney Schwabauer provided a presentation regarding on-street parking regulations for motor homes. Specific topics of discussion included a request by Council to bring the matter to Council for consideration, the ability of cities to regulate parking on local streets, placement of time limitations, requirement to have some measure of notice, postings along entrances to the City, clear signage reflecting when and where parking may occur, prohibition against electrical hook-ups by current encroachment rules, and measures other cities have put in place including having a standard time limit such as 72 hours, requiring vehicles to be gone from the location for a specific period of time in addition to the 72-hour standard, and a permitting system which may be web-based to alleviate administrative burdens.

In response to Council Member Hansen, Mr. Schwabauer stated that, based on case law and Vehicle Code Section 22507, adequate notice must be given as determined by a study or in the alternative all entrances to the City may be posted.

In response to Myrna Wetzel, Mr. Schwabauer stated a permit would apply to a particular address and it would be incumbent upon the owners to obtain a permit for a visiting relative.

In response to Council Member Johnson, Community Improvement Supervisor Jaime Aldred stated she is aware of only two complaints pertaining to motor homes and one of them was related to an off-street parking occurrence whereby a vehicle was parked in a backyard but was in compliance with the 30-day rule.

In response to Mayor Katzakian, Mr. Schwabauer stated the current ordinance limits all on-street parking to 72 hours, after which time the vehicle must be moved.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated complaints have not been made directly to the City Attorney's office, but confirmed that there may have been some complaints over the years pertaining to residences near Kristmont, Virginia, and Crescent Streets.

In response to Council Member Hitchcock, Mr. King stated indirect complaints and telephone calls that are received by the departments are generally not recorded and tracked and follow-up is based on the general pulse of the issue.

In response to Mayor Pro Tempore Hitchcock, Mr. Schwabauer stated the three ways communities are handling this issue appear to be a 72-hour standard after which the vehicle must be moved, the 72-hour standard with a specific time frame for when the vehicle cannot come back to that location, and a permitting system, which can be web-based.

In response to Council Member Hansen, Mr. Schwabauer confirmed there may be some complaints that are meritless whereby the neighbors call and complain about each other because they are not fond of one another.

In response to Council Member Johnson, Ms. Aldred stated the only chronic offender she is aware of is the one on Virginia Street who has been ticketed previously.

In response to Council Member Mounce, Mr. Schwabauer stated the challenge remains with investigating and proving a violation and an ordinance could be created which specifically prohibits the return of the vehicle for a certain time period.

In response to Council Member Hansen, Mr. Schwabauer stated the current camping ordinance prohibits living in a camp or vehicle, unless it is on a licensed site or in a backyard for the 30-day period, and an impound feature could be added to the ordinance.

In response to Council Member Mounce, Mr. Schwabauer stated an ordinance could allow people to sleep in the vehicle for up to 72 hours if so desired.

In response to Council Member Hansen, Ms. Aldred stated the biggest challenge is proving that someone is in fact living in a vehicle, the on-street complaints are generally handled by the Partners, and the off-street complaints are handled by Community Improvement and logged accordingly.

City Manager King confirmed that staff will gather additional information pertaining to the nature and size of the issue, possible solutions including permitting options, and provide that information to Council.

C. Comments by Public on Non-Agenda Items

None.

D. Adjournment

No action was taken by the City Council. The meeting was adjourned at 7:47 a.m.

ATTEST:

Randi Johl
City Clerk

**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Discussion of On-Street Parking Regulations for Motor Homes

MEETING DATE: January 12, 2010 Shirtsleeve

PREPARED BY: City Attorney's Office

BACKGROUND INFORMATION: At the request of Lodi residents, the City Council requested that staff bring forward a discussion on regulations that cities have adopted to address motor home on-street parking.

California Vehicle Code Section 22507 authorizes cities to adopt local ordinances limiting or prohibiting parking on city streets. California's courts have specifically interpreted Section 22507 to permit cities to regulate on-street motor home parking (*Homes on Wheels v. City of Santa Barbara* [2d dist 20041 119 Cal.App.4th 1173]). The legality of imposing the regulation of course does not forestall its potential for controversy. A number of cities, including Napa, Oakland and Burbank, abandoned draft ordinances in the face of stiff public opposition.

Cities weathering the controversy considered a number of approaches including:

- 1) Permits: A permit system whereby RV owners could apply for a permit to park their RV's on city streets for limited periods of time. An RV owner could request a permit for a limited time to visit relatives or to load and unload an RV before or after a vacation under such a system but not be allowed to use the street for storage of the RV. Advantages of this approach are that it prevents citizens from gaming the time limits by briefly moving the vehicle and re-parking it. Problems with this approach include objections that permits create an administrative burden on RV owners and staff and require revenue to fund the permit process. One solution for citizen and staff issues could be to create a web-based self-service permit system. However there remains the cost to create the system.
- 2) Time Limits: Limiting parking to something less than 72 hours. Advantages include limited administrative and citizen effort (beyond actual enforcement). Unfortunately it does have the potential for gamesmanship in the form of short-term moves. Some cities have added a one-hour or one-mile rule to the time limit but even this could encounter difficult proof problems.

Samples of ordinances are attached for Council's review and discussion. An additional question for Consideration is whether to apply the ordinance in residential zones or expand to some or all other zones.

Homes on Wheels did raise the "public notice" complication posed by Vehicle Code 22507. Section 22507 states: "the ordinance or resolution shall not apply until signs or markings giving adequate notice thereof have been placed." The court stressed that the notice requirement is important to insure that non-residents do not get caught in an unknowing violation. Section 22507 does not give much guidance on what level of notice is required. *Homes on Wheels* adds some small guidance suggesting that mass

APPROVED:

A handwritten signature in black ink, appearing to read "Blair King", written over a horizontal line.
Blair King, City Manager

signage of each block is not required. It leaves open what constitutes adequate signage, however, stating:

“because this ordinance is a uniform citywide parking ban, we do not necessarily agree with Home’s suggestion that the City must post every street corner in town. Yet, they correctly note that the City’s evidence was insufficient to show adequate posting. ... [The evidence] did not explain the reasons for the selection of each of the 33 [posted] sites. Moreover, the City Attorney conceded that not all the entrances to the City were posted. Therefore a motorist, unaware of the restrictions, could enter the City, park on a non-posted street and be cited. That is the classic trap for the unwary that the Legislature wanted to prevent.

The signs do not state that the restrictions apply citywide. A motorist could therefore read the sign and believe it applied only to the street where it had been posted.”

Homes on Wheels at 1179-1180. Reading the above it appears that the Courts would require a single sign to be posted at all City entrances setting forth a clear and concise statement of the rule.

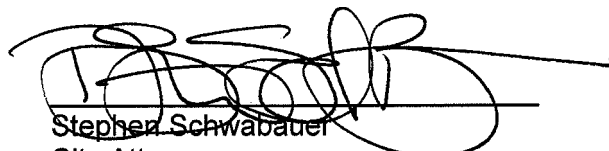
Code Enforcement staff requests that the ordinance also prohibit the use of extension cords over the right-of-way. Although already prohibited by our encroachment ordinance, it would be a good idea to include it here as well to publicize the prohibition in an area it is frequently abused.

FISCAL IMPACT:

Unknown, but there would be a cost associated with signs and a permit system and enforcement.

FUNDING AVAILABLE:

None identified.



Stephen Schwabauer
City Attorney